IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 16569 of 2006(V)

PETITIONER:

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1. P.K.CHERIAN, AGED 75 YRS, S/O. KURIEN,
   MOLLY BHAVANAM (KONDODY),
   OATHARA WEST P.O., THIRUVALLA.

2. K.K.KURIEN @ K.K.MATHEW, AGED 73 YRS,
   S/O. KURIEN MATHEW, KUTTIKKATTIL,
   THAIMARAVUM KARA, OATHARA WEST, THIRUVALLA.

3. K.K.IDICULLA, AGED 60 YRS,
   S/O. KURUVILA, KOCHERIL,
   THAIMARAVUM KARA, OATHARA WEST P.O.,
   THIRUVALLA.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, REVENUE TOWER,
ADOOR P.O., PATHANAMTHITTA DISTRICT.

BY GOVERNMENT PLEADER SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C).16569/2006

Dated this the 19th day of November, 2007

JUDGMENT

The challenge in this writ petition is against Exts.P2 to P4. By these notices, petitioners were directed to pay the royalty and fine based on the finding that they had committed illegal sand mining.

2. A statement has been filed by the respondent in which it is stated that Ext.P1 notice was issued by the respondent following the detection of illegal sand mining and pursuant to the notices, petitioners appeared in the office of the respondent and admitted in writing the offence of unouthorised sand mining from their respective properties. It is also stated that the petitioners expressed their willingness to compound the offence in terms of the provisions contained in the Kerla Mines and Mineral Concession Rules, 1967, and that instead of remitting fine they continued with the illegal sand mining. Respondent stated that it is on account of this, that they issued Exts.P2 to P4.

3. In view of the admission of guilt by the petitioners, as stated in the statement filed on behalf of the respondent, to which no reply has been filed, I do not find any illegality in issuing Exts.P2 to P4 notices. Writ petition fails and the same is dismissed.

ANTONY DOMINIC
Judge

mrcs